



**PAVAN PARIKH  
HAMILTON COUNTY CLERK OF COURTS**

**COMMON PLEAS DIVISION**

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**PAVAN PARIKH  
Clerk of Courts  
Hamilton County, Ohio  
CONFIRMATION 1308881**

**DENNIS LOFTUS**

**A 2301594**

**vs.  
WNB GROUP LLC**

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH JURY  
DEMAND**

**PAGES FILED: 6**

**COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO**

<b>DENNIS LOFTUS</b>	:	<b>Case No.</b>
<b>c/o Jacobs, Kleinman, Seibel &amp; McNally, LPA</b>	:	
<b>30 Garfield Place, Suite 905</b>	:	<b>Judge</b>
<b>Cincinnati, Ohio 45202</b>	:	
	:	
<b>Loftus</b>	:	
	:	
<b>-vs-</b>	:	
	:	
<b>WNB GROUP, LLC</b>	:	<b><u>COMPLAINT WITH JURY DEMAND</u></b>
<b>dba THE RAY HAMILTON MOVING</b>	:	
<b>COMPANY</b>	:	
<b>4817 Section Avenue</b>	:	
<b>Cincinnati, Ohio 45212</b>	:	
	:	
<b>Also Serve:</b>	:	
<b>c/o KMK SERVICE CORP.</b>	:	
<b>Statutory Agent</b>	:	
<b>One East Fourth Street, Suite 1400</b>	:	
<b>Cincinnati, Ohio 45202</b>	:	
	:	
<b>and</b>	:	
	:	
<b>RAY HAMILTON LOGISTICS LLC</b>	:	
<b>4817 Section Avenue</b>	:	
<b>Cincinnati, Ohio 45212</b>	:	
	:	
<b>Defendants</b>	:	

Now comes Plaintiff and for his complaint against the Defendant hereby states as follows.

**I. THE PARTIES**

1. Plaintiff is a former employee of WNB Group, LLC and Ray Hamilton Logistics LLC. He was terminated from his employment on or about July 18, 2022.

2. Defendant WNB Group, LLC is an Ohio limited liability company with its principal place of business in Hamilton County, Ohio. It is an employer as that term is defined under federal law. It presently or the past has employed more than 20 employees within the State of Ohio.

3. Defendant Ray Hamilton Logistics, LLC is an Ohio limited liability company with its principal place of business in Hamilton County, Ohio. It is an employer as that term is defined under federal law. It presently or the past has employed more than 20 employees within the State of Ohio.

## **II. JURISDICTION AND VENUE**

4. This Court has concurrent jurisdiction of Plaintiff's federal claims as stated in the case of *Elek v. Huntington National Bank* (1991), 60 Ohio St.3d 135.

5. Venue exists in the Court of Common Pleas of Hamilton County because the Defendants reside in Hamilton County and the events giving rise to the claims set forth in this Complaint occurred in Hamilton County.

## **III. STATEMENT OF FACTS**

6. Plaintiff is a former vice president of interstate transportation for WNB Group. Plaintiff is over the age of 40.

7. During his employment, Plaintiff performed his job in a capable and competent manner.

8. In December of 2021, WNB Group, LLC sold its ownership interest to Ray Hamilton Logistics LLC. Plaintiff began working for Ray Hamilton Logistics in late December 2021 and early January 2022.

9. During the time of his employment, Plaintiff complained to his employers that they were engaged in age discrimination.

10. Subsequent to Plaintiff's complaint, he was terminated. Defendants offered the pretextual reason for Plaintiff's termination that they could no longer afford Plaintiff's salary. Plaintiff believes the stated reason is false.

**FIRST CAUSE OF ACTION**  
**(Age Discrimination in Violation of Federal Law)**

11. Plaintiff realleges the allegations contained in paragraphs 1 through 10 as if fully rewritten herein.

12. Plaintiff states that the real reason for his termination is age discrimination in violation of 29 U.S.C. §626 et seq.

13. Plaintiff requests all relief to which he is entitled under the Age Discrimination and Employment Act.

**SECOND CAUSE OF ACTION**  
**(Retaliation for Complaining about Age Discrimination in Violation of Federal Law)**

14. Plaintiff realleges the allegations contained in paragraphs 1 through 13 as if fully rewritten herein.

15. During the period of his employment, Plaintiff complained that the Defendants were discriminating against him and others because of their age. Defendants became aware of these complaints and retaliated against him by terminating his employment in violation of the Age Discrimination and Employment Act.

16. Plaintiff requests all relief to which he may be entitled under the ADEA.

17. Plaintiff states that on or about July 28, 2022 he filed a Charge of Discrimination with the EEOC. A copy of that charge is attached as Exhibit A and incorporated by reference.

18. The EEOC issued a Right to Sue letter on January 13, 2023. A copy of the Right to Sue letter was received by Plaintiff and/or his representative on January 17, 2023.

19. Plaintiff has complied with the prerequisites in order to file these claims.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount to be

determined at trial, but believed to be in excess of \$25,000; reasonable attorney's fees, prejudgment interest, liquidated damages, punitive damages, and any other relief this Court deems appropriate. Plaintiff requests a trial by jury.

Respectfully submitted,

/s/ Mark J. Byrne

**MARK J. BYRNE (0029243)**

**KATHLEEN R. BYRNE (0099931)**

JACOBS, KLEINMAN, SEIBEL & McNALLY, LPA

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*Attorneys for Plaintiff*

# EXHIBIT A

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To:      Agency(ies) Charge No(s): <div style="display: flex; align-items: center;"> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC         </div> <div style="text-align: right; margin-top: 5px;">473-2022-01714</div>	
_____ and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) <b>DENNIS LOFTUS</b>		Home Phone (Incl. Area Code) <b>(51) 378-9918</b>	Date of Birth <b>08/27/1966</b>
Street Address      City, State and ZIP Code <b>4410 Marburg Avenue, #311, Cincinnati, Ohio 45209</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>Ray Hamilton Logistics LLC</b>		No. Employees, Members <b>+20</b>	Phone No. (Include Area Code) <b>(513) 641-5400</b>
Street Address      City, State and ZIP Code <b>4817 Section Avenue, Cincinnati, Ohio 45212</b>			
Name <b>WNB Group, LLC</b>		No. Employees, Members <b>+20</b>	Phone No. (Include Area Code) <b>(513) 641-5400</b>
Street Address      City, State and ZIP Code <b>4817 Section Avenue, Cincinnati, Ohio 45212</b>			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest      Latest  <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <ol style="list-style-type: none"> <li>1. I am a former employee of WNB Group LLC, having held the position of Vice President of Interstate Transportation.</li> <li>2. In December of 2021, it is my understanding that WNB Group LLC sold its ownership interest to Ray Hamilton Logistics LLC.</li> <li>3. I began working for Ray Hamilton Logistics LLC as part of the sale.</li> <li>4. On July 18, 2022, I was terminated from my employment after complaining about discrimination due to age. The Company stated the reason for my termination was because it could no longer afford my salary. I believe this reason is false.</li> <li>5. I wish the foregoing to be a Charge of Discrimination against the named employers for a violation of 29 U.S.C. §626 et seq and Chapter 4112 of the Ohio Revised Code.</li> </ol> <div style="text-align: center; margin-top: 10px;">             US EEOC              Cincinnati Area Office              Received 07/28/2022           </div>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements <div style="text-align: right;"> <b>MARK J. EYD</b>  <small>Notary Public</small>  <b>STATE OF OHIO</b> </div>	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <div style="text-align: right; margin-top: 5px;">             My Commission Expires: 06/28/2024              Date: 7/28/22           </div>	
<div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> <b>7-28-22</b>  <small>Date</small> </div> <div>   <small>Charging Party Signature</small> </div> </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small> <div style="text-align: center; font-size: 2em; margin-top: 10px;">7/28/22</div>	